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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment & Conservation
Division:	Air Pollution Control
Contact Person:	Mark A. Reynolds
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor Nashville, TN 37243
Phone:	(615) 532-0559
Email:	mark.a.reynolds@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room A		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	August 17, 2017		
Hearing Time:	9:30 AM	<input checked="" type="checkbox"/> X CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Rules pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for the Board's consideration in regards to the proposed regulatory amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. Section 4-5-201 et seq., and will take place in Conference Room A, 15th Floor, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243 at 9:30 AM Central Time on August 17, 2017. Written comments will be included in the hearing records if received by the close of business on August 17, 2017, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue 15th Floor, Nashville, Tennessee 37243. Additionally, comments may be submitted via attachments through electronic mail to Air.Pollution.Control@tn.gov until the close of business on August 17, 2017.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than 10 days prior to August 17, 2017, or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 22nd Floor, Nashville, TN 37243, (866) 253-5827. Hearing impaired callers may use the Tennessee Relay Service, (800) 848-0298.

If you have any questions about the origination of these rule changes, you may contact Mark A. Reynolds at (615) 532-0559. For complete copies of the text of the notice, please contact Mark A. Reynolds, Department of Environment and Conservation, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243 or via e-mail at Mark.A.Reynolds@tn.gov.

The proposed amendments to Chapter 1200-03-09 and the creation of two new Chapters 0400-30-38 and 0400-30-39 will allow the Technical Secretary of the Air Pollution Control Board to streamline the permitting process for certain small sources only subject to permitting because of federal requirements. Many of these sources will be eligible to seek coverage under a "permit-by-rule" rather than traditional construction and operating permits. The sources will be required to register their sources with the Division of Air Pollution Control and must meet all applicable requirements, but will not be subject to the traditional permitting processes. The Division is proposing to adopt the federal requirements for two source categories to enable the use of the permit-by-rule procedures: 1) stationary internal combustion engines and 2) paint stripping, auto body refinishing, and miscellaneous surface coating operations.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under Tenn. Code Ann. Section 68-201-105, the Board's general authority to promulgate rules. Materials concerning the proposed actions will be available on the Tennessee Department of Environment and Conservation website at <http://tn.gov/environment/topic/ppo-air>.

All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the proposed rule revisions. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 PM on August 17, 2017, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue 15th Floor, Nashville, TN 37243.

Revision Type (check all that apply):

- ☒ Amendment
☒ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.07	Permits-by-Rule

Chapter Number	Chapter Title
0400-30-38	Emission Standards for Hazardous Air Pollutants
Rule Number	Rule Title
0400-30-38-.01	Stationary Reciprocating Internal Combustion Engines
0400-30-38-.02	Paint Stripping, Auto Body Refinishing, and Miscellaneous Surface Coating Operations

Chapter Number	Chapter Title
0400-30-39	Standards of Performance for New Stationary Sources

Rule Number	Rule Title
0400-30-39-.01	Stationary Compression Ignition Internal Combustion Engines
0400-30-39-.02	Stationary Spark Ignition Internal Combustion Engines

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-09
Construction and Operating Permits

Amendments

Paragraph (5) of Rule 1200-03-09-.07 Permits-by-Rule is amended by deleting it in its entirety and substituting instead the following:

1200-03-09-.07 Permits-by-Rule

- (5) Source categories potentially eligible for permit-by-rule:
- (a) Gasoline dispensing facilities (GDFs).
 - (b) ~~Reserved~~ Emergency stationary reciprocating internal combustion engines subject to the provisions of Rule 0400-30-38-.01.
 - (c) Emergency stationary compression ignition internal combustion engines subject to the provisions of Rule 0400-30-39-.01.
 - (d) Emergency stationary spark ignition internal combustion engines subject to the provisions of Rule 0400-30-39-.02.
 - (e) Auto body refinishing operations, which includes paint stripping and surface coating of motor vehicles and mobile equipment, subject to the provisions of Rule 0400-30-38-.02. However, no emission source subject to a rule in Chapter 1200-03-18 shall qualify for permit-by-rule.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

New Rule

Chapter 0400-30-38
Emission Standards for Hazardous Air Pollutants

Table of Contents

0400-30-38-.01 Stationary Reciprocating Internal Combustion Engines

0400-30-38-.02 Paint Stripping, Auto Body Refinishing, and Miscellaneous Surface Coating Operations

0400-30-38-.01 Stationary Reciprocating Internal Combustion Engines

- (1) Emergency stationary reciprocating internal combustion engines subject to the provisions of this rule may qualify for a permit-by-rule as specified in Rule 1200-03-09-.07.
- (2) The provisions of 40 CFR 63 Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines) are hereby adopted by reference as published in the July 1, 2017 edition of the Code of Federal Regulations (CFR), except as provided in subparagraph (a) of this paragraph.
 - (a) Any reference contained in 40 CFR 63 Subpart ZZZZ to the:
 - 1. Administrator shall instead be a reference to the Technical Secretary;
 - 2. Applicable EPA regional office for the State of Tennessee shall instead be a reference to the EPA Region IV office; and
 - 3. Delegated State authority shall instead be a reference to the Technical Secretary.

0400-30-38-.02 Paint Stripping, Auto Body Refinishing, and Miscellaneous Surface Coating Operations

- (1) Auto body refinishing operations, which includes paint stripping and surface coating of motor vehicles and mobile equipment, subject to the provisions of this rule may qualify for a permit-by-rule as specified in Rule 1200-03-09-.07. However, no emission source subject to a rule in Chapter 1200-03-18 shall qualify for permit-by-rule.
- (2) The provisions of 40 CFR 63 Subpart HHHHHH (National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources) are hereby adopted by reference as published in the July 1, 2017 edition of the Code of Federal Regulations (CFR), except as provided in subparagraph (a) of this paragraph.
 - (a) Any reference contained in 40 CFR 63 Subpart HHHHHH to the:
 1. Administrator shall instead be a reference to the Technical Secretary;
 2. Applicable EPA regional office for the State of Tennessee shall instead be a reference to the EPA Region IV office; and
 3. Delegated State authority shall instead be a reference to the Technical Secretary.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

New Rule

Chapter 0400-30-39
Standards of Performance for New Stationary Sources

Table of Contents

0400-30-39-.01 Stationary Compression Ignition Internal Combustion Engines

0400-30-39-.02 Stationary Spark Ignition Internal Combustion Engines

0400-30-39-.01 Stationary Compression Ignition Internal Combustion Engines

- (1) Emergency stationary compression ignition internal combustion engines subject to the provisions of this rule may qualify for a permit-by-rule as specified in Rule 1200-03-09-.07.
- (2) The provisions of 40 CFR 60 Subpart IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines) are hereby adopted by reference as published in the July 1, 2017 edition of the Code of Federal Regulations (CFR), except as provided in subparagraph (a) of this paragraph.
 - (a) Any reference contained in 40 CFR 60 Subpart IIII to the:
 1. Administrator shall instead be a reference to the Technical Secretary;
 2. Applicable EPA regional office for the State of Tennessee shall instead be a reference to the EPA Region IV office; and
 3. Delegated State authority shall instead be a reference to the Technical Secretary.

0400-30-39-.02 Stationary Spark Ignition Internal Combustion Engines

- (1) Emergency stationary spark ignition internal combustion engines subject to the provisions of this rule may qualify for a permit-by-rule as specified in Rule 1200-03-09-.07.
- (2) The provisions of 40 CFR 60 Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines) are hereby adopted by reference as published in the July 1, 2017 edition of the Code of Federal Regulations (CFR), except as provided in subparagraph (a) of this paragraph.

(a) Any reference contained in 40 CFR 60 Subpart JJJJ to the:

1. Administrator shall instead be a reference to the Technical Secretary;
2. Applicable EPA regional office for the State of Tennessee shall instead be a reference to the EPA Region IV office; and
3. Delegated State authority shall instead be a reference to the Technical Secretary.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: June 15, 2017

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Technical Secretary

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

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Filed with the Department of State on: _____

Tre Hargett
Secretary of State